

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT SIMON,

Plaintiff,

-against-

MANHATTAN MINI STORAGE, LLC, et al.,

Defendants.

19-CV-5890 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated September 11, 2019, the Court directed Plaintiff to file a second amended complaint within sixty days. That order specified that failure to comply would result in dismissal of the complaint. On October 11, 2019, the Court held that Plaintiff's proposed second amended complaint (ECF No. 9) did not comply with the Court's order but granted him leave to submit a second amended complaint within 30 days. The order notified Plaintiff that if he did not submit a second amended complaint within thirty days, or if he submitted a second amended complaint that did not comply with the September 11, 2019 order, the Court would enter judgment as set forth in the September 11, 2019 order of dismissal. Plaintiff has not filed a second amended complaint, and the time to do so has expired.

**CONCLUSION**

Accordingly, the amended complaint, filed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1), is dismissed because it fails to state a claim on which can be granted and asserts claims that are frivolous and claims that are brought against defendants who are immune from suit. Under 28 U.S.C. § 1367(c)(3), the Court declines to exercise its supplemental jurisdiction over any state-law claims Plaintiff may be asserting.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order

would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

*Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: November 13, 2019  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge